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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 43-52 are pending.

Claims 43-52 are rejected under 35 U.S.C. §112, first paragraph. Claims 43-52 are amended, as suggested in the Office Action, to overcome the rejection.

Applicant would like to respectfully point out that the rejection of claims 43-52 of the present application is improper for reasons explained hereinbelow.

First, Applicant would like to respectfully point out that each of claims 43-45 of the present application recites "means for creating at least one audible item dispensing prompt which contains within the prompt itself at least one word which is provided by the terminal and which can be spoken by the user to instruct the terminal to dispense an item to the user"; each of claims 48 and 49 recites "means for creating an audible cash dispensing prompt which contains within the prompt itself a cash dispensing word which is provided by the ATM and which can be spoken by the customer to instruct the ATM to dispense cash to the customer"; claim 50 recites "creating at least one audible item dispensing prompt which contains within the prompt itself at least one word which is provided by the terminal and which can be spoken by the user to instruct the terminal to dispense an item to the user"; and claim 52 recites "creating at least one audible cash dispensing prompt which contains within the prompt itself at least one word which is provided by the ATM and which can be spoken by the customer to instruct the ATM to dispense cash to the customer".

With respect to claims 43-45, 48, and 49, Applicant notes that the Examiner has not addressed this specific language recited in each of claims 43-45, 48, and 49. Furthermore, the Examiner specifically acknowledges in the Office Action that "...Rabin does not disclose that the spoken prompt from the terminal is the same word that is spoken by the user to cause an action to be done". Therefore, the rejection of claims 43-45, 48, and 49 under 35 U.S.C. §102(e) is clearly improper by the Examiner's own admission.

With respect to claims 50 and 52, Applicant notes that the Examiner merely states "It would have been obvious to one of ordinary skill in the art at the time of the invention was

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made to provide the terminal of Rabin with the ability to "help" the customer with their transaction by informing them of their possible choices.....Having the terminal "help" the customer by informing them of their possible transaction options is considered obvious". However, Applicant would like to respectfully point out that the Examiner has cited no references and has only made a broad conclusory statement to justify making the rejection.

Applicant would also like to respectfully point out that if the purpose to be achieved was simply to "help" a customer, then Rabin would be modified to say some general statement such as "you may request cash, check your balance, or pay bills at this ATM". This would allow the ATM to wait for the pre-registered word to be uttered by the customer. Using pre-registered word assignments is core to the invention of Rabin. Note that Rabin "stores for each authorized user, one or a series of speech models of voice commands or phrases uttered by the authorized user" (see column 2, lines 16-19 of Rabin). Rabin uses voice as a command and verification system. The pre-registered words used in Rabin have an associated "action component which specifies the specific action that the authorized user desires in response to the issuance of the corresponding voice command" (see column 2, lines 20-23 of Rabin). It is the intention of Rabin to allow different users to use different words for implementing the same transactions.

Even arguing if Rabin wanted to be more helpful (as the Examiner suggests in the Office Action), it would do so by using a generic statement to guide the customer, without actually providing the customer with a prompt "which contains within the prompt itself at least one word which is provided by the terminal and which can be spoken by the user to instruct the terminal to dispense an item to the user". Thus, Rabin teaches away from the presently claimed invention (i.e., providing the customer with a word to use in a transaction instruction).

Second, Applicant would like to respectfully point out that each of claims 46 and 47 of the present application recites "means for creating at least one audible item dispensing prompt which contains within the prompt itself a question which can be answered by the user speaking either a positive response or a negative response to the question"; and claim 51 recites "creating at least one audible item dispensing prompt which contains within the prompt itself a

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question which can be answered by the user speaking either a positive response or a negative response to the question”.

With respect to claims 46 and 47, Applicant notes that the Examiner has not addressed this specific language recited in each of claims 46 and 49.

With respect to claim 51, Applicant notes that the Examiner merely states “It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the terminal of Rabin with the ability to “help” the customer with their transaction by asking them what they want to do.....It is very old and well know that one question that is asked by ATM machines is “Would you like to perform another transaction”. Having the terminal ask this question is considered obvious”. However, Applicant would like to respectfully point out that the Examiner has cited no references and has only made a broad conclusory statement to justify making the rejection. Furthermore, the example the Examiner provides in the Office Action does not meet the claim limitations of claim 51 because the example does not relate to an item dispensing prompt that contains “....within the prompt itself a question which can be answered by the user speaking either a positive response or a negative response to the question” as recited in claim 51 of the present application.

This amendment may be entered upon a showing of good reasons why it is necessary and was not presented earlier as per 37 C.F.R. Section 1.116. This amendment is necessary to overcome the rejections stated in the final Office Action. The amendment was not earlier presented because the Applicant did not know of the Examiner’s position with respect to rejection of claims in the present application until receiving the final Office Action.

In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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DEC 03 2004